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10/789,521	02/27/2004	Takao Shiibashi	04105 /LH	9275

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT PAPER NUMBER

2168

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,521

Applicant(s)

SHIIBASHI ET AL.

Examiner

Greta L. Robinson

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are pending in the present application.

Drawings

2. The drawings are objected to because of the partial views in Figure 21. Note 37 CFR 1.84(h). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Art Unit: 2168

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2168

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada US Patent 6,954,767 B1 in view of Rothschild et al. US Patent 6,678,703 B2 and Stoodley US Patent 6,611,846 B1.

Regarding claim 1, **Kanada** teaches a medical image radiographing system [note: abstract; Figure 1; column 14 lines 11-12] comprising:

a radiographic-room-use apparatus for performing medical radiography on a predetermined part of a patient in a radiographic room [note: *diagnostic workstation* 15; Figure 3; column 14 lines 11-31];

a portable radiographing apparatus capable of moving and for performing medical radiography on a predetermined part of the patient at a bedside of the patient [Figure 11 elements 112, 113, and 116 *reference terminal*]; and

a controller for displaying an inputting information through the input screen [note: *display means* column 7 lines 41-47],

wherein, when radiographing order information for performing the medical radiography is inputted, the controller displays a selection input screen for inputting selection of whether the radiographing order information is for the medical radiography performed by the radiographic-room-use radiographing apparatus or the medical radiography performed by the portable radiographing apparatus, and displays a radiographing order information input screen different according to a content of the selection inputted [note: column 15 lines 24-53; *processing based on order information* column 14 lines 11-20; and column 20 lines 34-40], and

an input completion of the radiographing order information, the controller displays a confirmation input screen for inputting conformation of the input completion of the radiographing order information regardless of whether the radiographing order information is for the medical radiography performed by the radiographic-room-use radiographing apparatus or the medical radiography performed by the portable radiographing apparatus [note column 15 lines 30-39; column 16 lines 19-56; Figure 4, and 6-10].

Although Kanada teaches the invention as cited above, they do not specifically depict a controller and display of confirmation. Kanda teaches *means for displaying* information on a screen at column 7 lines 41-47, however does not show a controller. **Stoodley** teaches a display controller 18 [see column 6 lines 18-37 and lines 51-56; column 8 lines 16-26] and provides for confirmation of requests [see column 11 lines

Art Unit: 2168

60-65 requests confirmation 130]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Stoodley with Kanda because the controller would provide the means taught in Kanda for displaying information. Also display controllers are well known devices in the data processing art. Although Kanda and Stoodley teach the invention as cited above, they do not explicitly teach a portable radiographing apparatus. Kanada does teach a terminal connected to system as a reference to search and fetch images [note reference terminal 16 and workstation 15 Figure 3]. **Rothschild et al.** teaches a remote interface which can be wireless for medical image screening, and lists several devices that might be implemented for the system [see: Figure 1 *remote interface* 35 and Figure 6; column 9 lines 24-62; *wireless* column 21 lines 1-8]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because a portable radiographing device would provide a more convenient means of analysis.

5. Regarding claim 2, wherein the radiographing order information input screen is an input screen for inputting the radiographing order information including a radiographing condition of the patient [note: Kanada column 14 lines 49-66; column 15 lines 1-57].

6. Regarding claims 3, wherein, when selection inputted is in regard to the portable radiographing apparatus, the controller displays the input screen [note: Rothschild et al. teaches a remote interface which can be wireless for medical image screening, and

Art Unit: 2168

lists several devices that might be implemented see: Figure 1 *remote interface* 35 and Figure 6; column 9 lines 24-62; *wireless* column 21 lines 1-8].

7. Regarding claims 4, wherein, when selection inputted is in regard to the portable radiographing apparatus, the controller displays the input screen radiographing condition [note: Rothschild et al. column 9 lines 24-62 and column 21 lines 1-8].

8. The limitations of claims 5-8 parallel claims 1-4 therefore they are rejected under the same rationale.

9. Regarding claims 9-13, "a controller ... a portable terminal for storing radiographing order information and identification information of a cassette so as to correspond ... a medical image reading apparatus ...a storage section ...a communication section ...a display control section .." [note: Stoodley teaches a display controller 18, see column 6 lines 18-37 and lines 51-56, column 8 lines 16-26; note Rothschild et al. Figure 1].

10. The limitations of claims 14-16 have been addressed above except for the following: a mode setting section [note: Kanda *modality* (12) Figure 1].

11. The limitations of claims 17-25 have been addressed above; except for the following: setting a normal mode [note: Kanda *modality* (12) Figure 1].

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tamakkoshi et al. US Patent 6,806,487 B2

Liu Sheng et al. US Patent 5,615,112

Young et al. US Patent 5,960,443

Motoki US Patent 6,920,546 B2

Vining et al. US Patent 6,819,785 B1

Funahashi US Patent 6,820,100 B2

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
October 27, 2005